THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 19413 OF 2005

DATED: 02.09.2005

Between:

D. Hussain

... PETITIONER

AND

The Superintending Engineer, O & M Cirlce,

A.P. GENCO, Mahaboobnagar District

& another.

... RESPONDENTS

ORAL ORDER:

The petitioner was appointed as a Work Inspector in the erstwhile APSEB. Now he is working in the successor organization, the A.P. GENCO. He submitted representation for conversion of his post to the one of Fitter (Water Supply), which holds the same scale of pay. Acceding to his request, the 2nd respondent issued proceedings, dated 06.07.2000, treating the appointment of the petitioner as the one against the post of Fitter (water supply).

The 2nd respondent issued an integrated seniority list of Work Inspectors and Fitters. The petitioner was shown at Sl.No.5. His grievance is that though he is the senior to Mr.SK. Hussain, shown at Sl.No.1, his seniority was ignored and that has resulted in denial of promotional avenues and other benefits to him. He challenges the action of the respondents.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

Though, the petitioner was initially appointed as Work Inspector, he came to be appointed as Fitter (water supply) at his request. Once the appointment/conversion of the petitioner to the post of Fitter was at his request, he has to forego the seniority in the post of Work Inspector, and has to take the junior most place in the category of Fitter. The seniority list reflects the same. Therefore, the petitioner cannot have any genuine grievance vis-à-vis the seniority list.

The learned counsel for the petitioner submits that the petitioner was never informed that he has to forego the seniority in the event of the conversion of the post held by him and if it comes to that, the petitioner is prepared to go back to his earlier post. If that be so, the petitioner can make a representation to the respondents for treating his appointment against the post of Work Inspector and if his request is acceded to, he shall be entitled to claim the original seniority in that post.

Writ petition is accordingly, disposed of with the above observations. No order as to costs.

L. NARASIMHA REDDY, J

Date: 02.09.2005

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